



# the Sentinel

A Newsletter of the College of Dental Surgeons of British Columbia

## Window on Complaints – The Inquiry Committee

What happens when the investigation of a complaint identifies a serious problem that is not resolved by a deputy registrar or one of the peer review/screening committees?

When attempts to resolve the concern with the registrant have failed, the Professional Conduct Subcommittee may recommend that the registrant appear before a panel of the Inquiry Committee. Only this committee can refer a file to Inquiry.



When this happens, a citation is prepared. The Rules under the *Dentists Act* state that this is done by the registrar or a deputy registrar, subject to any directions from the Professional Conduct Subcommittee. The College may involve legal counsel to advise on the preparation of the citation. The evidence that is available to prove the allegation(s) is reviewed and care is taken to ensure that the citation is carefully and clearly worded. The citation is given to the registrant under review and to the Inquiry Committee.

*In the last two issues of The Sentinel, we reviewed the initial complaint investigation process and possible resolutions when a problem is found. These articles can be found on the College's website at [www.cdsbc.org](http://www.cdsbc.org) under College Publications, Sentinel, Winter 2005 and Spring 2005.*

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The Inquiry Committee includes dentists, certified dental assistants (CDAs) and public representatives. When a citation is referred to the Committee, the chair will appoint a panel of three or four persons, including a public representative, to hear the case. If the registrant is a specialist, one member of the panel will be a member of the same specialty, and if the registrant is a CDA, one member will be a CDA.

*An Inquiry hearing is similar to a court hearing, with the Inquiry Panel being the judge. The onus is on the College to prove the allegations in the citation.*

The chair of the Inquiry Committee may also retain legal counsel who acts exclusively for the Inquiry Panel. This lawyer does not act for or advise the College in any other capacity. The panel's lawyer does not have a vote on the panel, but is available to advise the panel on issues of procedure and law, and to help draft a written decision.

### **Inquiry Hearing Proceedings**

An Inquiry hearing is much more formal than meetings of Practice Standards or Professional Conduct Subcommittees. It is similar to a court hearing, with the Inquiry Panel being the judge. A court reporter is present to record the proceedings. Rules of evidence, similar to those in court, apply. In addition, the hearing is usually open to the public.

Both parties – the College and the registrant under review – provide evidence to the Inquiry Panel, and witnesses are examined and cross-examined. In most cases, the College and the registrant under review are represented by lawyers who act on their behalf. The registrant under review (or their lawyer) can disprove the allegations by calling their own evidence and challenging the College's evidence by cross-examining witnesses called by the College. The parties may also decide to agree upon the facts, providing the panel with a statement of their agreement.

The onus is on the College to prove the allegations in the citation. Both parties will make submissions as to what conclusion the panel should draw from the facts that are presented.

### **Deliberations, Decisions and Penalty Hearings**

When the hearing is over, the Inquiry Panel will deliberate and make a decision, which it presents in writing. This may take a couple of weeks or months, depending on the length and complexity of the hearing.

If an Inquiry Panel finds the allegations in the citation are proven, there will be a second hearing, which is usually shorter than the initial hearing, to determine the penalty. In this hearing, the College and the registrant will present evidence and make submissions on the appropriate penalty. Following the penalty hearing, the Inquiry Panel makes an order in writing on the penalty, which can include one or more of the following:

- a reprimand,
- limitations or conditions on practice,
- a suspension of registration,
- a cancellation of registration,
- a fine of up to \$35,000, and/or
- payment of costs.

### **Right of Appeal**

Under Section 55 of the *Dentists Act*, the registrant has the right to appeal the decision to the Supreme Court of B.C. within 45 days of the date of the decision.

Decisions of Inquiry Panels are considered public documents. Following a decision, a summary of the decision is provided to all registrants. A copy of the decision can also be provided to any person who requests it.

As you can see, an Inquiry is a complex process with potentially serious consequences for the registrant. It is also very costly not only for the registrant, but also for the College, in terms of staff resources and legal costs. Fortunately, Inquiries don't happen very often. With the College's emphasis on remediation rather than discipline, there have only been three Inquiries in the last three years.



## Your College is Debt Free!

The College Elected Officers and Council are very pleased to announce to all registrants that in May 2005, your College became debt free with payment in full of the long-term debt.

*Thanks and appreciation to previous Councils, College officers and College staff whose dedication, focus and commitment made our debt-free status a reality.*

College President, Dan Stoneman, stated, "We are very proud to have successfully retired our outstanding long-term debt this year, creating a College that is debt free for the first time in a generation. This is a significant achievement for our profession."

Following two consecutive years managing College finances without needing to use our line of credit, College Treasurer Peter Lobb added, "The use of surplus money from fiscal year 2004-2005 and contingency funds from 2005-2006 allowed us to pay off \$1.125 M in long-term debt this past year. As 70-per-cent owners of College Place, now fully paid, this will allow us to develop a contingency fund from reduced expenses and continue the fiscally responsible management of the College."

Dan and Peter extend sincere thanks and appreciation to previous Councils, College officers and College staff whose dedication, focus and commitment made our debt-free status a reality.



They also recognize the BMO Bank of Montreal for its support of the College during the course of our 17-year working relationship. The Bank provided the College with favourable arrangements that facilitated retirement of the debt. The College looks forward to its continued business relationship with the BMO Bank of Montreal, which also has expertise in assisting individual dentists with their banking needs.

## An Open Letter to the College of Dental Surgeons of BC

June 24, 2005

To whom it may concern:

This email is not the easiest one to write, but all good things must eventually come to an end.

It is my intention, after exactly 44 years in private practice to retire by the end of this month, June 30th, 2005.

I have been very fortunate to have worked together since 1987 with my son Glenn van As. Over the last 44 years, I have seen many changes. From highspeed hand pieces to microscopic and laser dentistry. From "no advertising" to "neon light advertising."

I have had the privilege of meeting many dedicated colleagues during my years in dentistry.

During all these years there was one thing that did not change: the help and advice I received, which was always available, from our College of Dental Surgeons of B.C. For that I thank the College and congratulate all the people that made that possible.

Keep up this challenge in years to come, and once again thanks for the memories.

Sincerely,

Dr A.W.H. van As, D.D.S.  
North Vancouver

## Welcome New Registrants

May and June are two of the busiest months of the year for the College's Registration and



Licensing team. This year, we licensed and registered 74 new dentists and 145 new Certified

Dental Assistants (*by July this number will increase by about 250*). These new registrants are graduates from the University of British Columbia, eight community colleges and four private colleges within B.C., as well as from universities and colleges outside the province.

Congratulations and welcome to all our new registrants!

# Significant Strides



Registrar's Report

Heather Laing

**"I am encouraged by the extent to which our registrants and others refer to the 'new' College."**

In my role as your Registrar, I spend a great deal of time speaking with members of the dental community across British Columbia. In a variety of capacities, I also communicate and work regularly with individuals in the legal profession, in government and in other regulatory bodies.

Against this backdrop, I am consistently impressed by the significant strides we have made in how we go about the process of regulating dentistry to assure British Columbians of professional standards of oral health care, ethics and competence.

Our progress has been significant since the Regulatory Review Task Force tabled its recommendations in 2001 for structural reform to the professional conduct review and discipline processes.

We are working from the foundation of a complaint-driven model that is transparent, accountable and fair to our registrants and to the public we are committed to protect.

To further uphold this model, College complaints staff and the volunteer members of our Practice Standards, Professional Conduct and Inquiry Committees have invested a great deal of time to participate in ongoing training in alternate dispute resolution and in peer review theory, practice and principles.

Outgoing President Dan Stoneman has spoken favourably of the College's evolution on numerous occasions, stressing the importance of the role all registrants have to play in the successful regulation of dentistry. I am encouraged by the extent to which our registrants and others refer to the "new" College. These individuals speak proudly of a regulatory process that is focused on working with CDAs and dentists to ensure the maintenance of high professional standards of care.

## College of Dental Technicians of British Columbia

### NOTICE of Non-renewed RDT Licences

The College of Dental Technicians of BC (CDTBC) regulates the profession of dental technology in B.C. Only individuals holding a licence with the CDTBC can fabricate dental appliances.<sup>1</sup> The CDTBC registers dental technicians, entitled by Regulation to fabricate dental appliances, and assistants who may provide dental technology services *under the supervision of a dental technician*.

To assist members in complying with Article 12.01(a) and (b) of the Rules of the College of Dental Surgeons of British Columbia, the CDTBC advises that as of April 1, 2005, the following individuals *have not renewed their RDT licences*, and are therefore *not* permitted to provide dental technicians' services.

Name	Located
W. Larry Atkinson	
John Battaglio	Chilliwack
Marty Braden	Dawson Creek
Ulf Broda	
Cham Kwong Chung	Vancouver
Robert Fusnik	Vancouver
Gerhard Koch	Abbotsford
Joo Kang Lee	
Terry Lo	Vancouver
Ken Madigan	Burnaby
Bryan Marr	North Vancouver
Ichiro Sekihara	Vancouver
Rick Sonntag	
Heinz Tigges	West Vancouver
Toshiyuki Tosa	Burnaby
Rebekka Ulatowski	Power River
Sakineh Vakili	Burnaby
Anita Von Appen	Vancouver
Carson Walker	100 Mile House
Edward Ngai Keung Wong	Vancouver

Members may call the CDTBC at 604-734-4776 to confirm registration of any person to whom they are sending laboratory work.

<sup>1</sup> Individuals are not required to be registered with the CDTBC if they are meeting the following inclusive three-part test: they are providing dental technology services *in the office of, under the supervision of, and for the exclusive practice of the dentist*. See Section 5(2) Dental Technician Regulation and Article 12.01A Rules

## Mark Your Calendar: Dental Records Management Course Vancouver – November 25

In the event of a patient complaint or malpractice suit, dental records are the dentist's most important evidence of proper diagnosis and patient care.

The College is pleased to announce that it will be offering its *Dental Records Management – Collecting the Information and Knowing What to Do with It* course this fall in Vancouver on November 25.

This extremely popular course is relevant to all members of the dental team and features a comprehensive overview of records collection, diagnosis and treatment planning, leading directly to a special emphasis on risk management and patient navigation.

See the enclosed insert for more information or contact Debbie Preissl at (604) 714-5320 or [debbie@cdsbc.org](mailto:debbie@cdsbc.org).



Quality Assurance Update

# QA Plans Reflect Evolving Profession

As many *Sentinel* readers know, the College is in the process of reviewing its quality assurance and continuing competency programs to ensure they meet the needs of practitioners, as well as requirements when the College moves from the *Dentists Act* to regulation under the *Health Professions Act*.

*“It’s not about creating a whole new program, but rather about enhancing and building on the core strengths of our existing program.”*

What does this review process mean for you as a practising dentist or certified dental assistant?

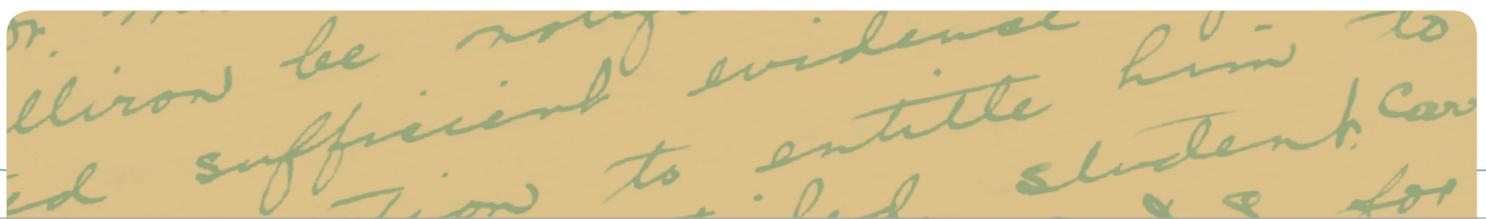
Kevin Doyle, Chair of the College’s Quality Assurance Committee, explains that our existing education program is highly regarded, and that our standards of excellence have been recognized by government in their review of quality assurance programs in B.C. health regulatory organizations.

“The College is clearly doing a good job, so the focus of the Committee is to update the quality assurance program so that it reflects changes to the way dentistry is practised today. One of the key foundations for renewing this program is the evolution of the College from being a disciplinary-focused organization to one that uses a positive, facilitative approach to improve excellence in the provision of care.”

The College’s intent is to provide registrants with a more broadly focused program that reflects new teaching and learning methods, and that gives registrants added flexibility across the spectrum of competence and excellence.

“In other words,” adds Doyle, “we want a program that is better focused and aligned with the needs of today’s practitioners. We want it to be more innovative and give registrants more choice in terms of how they accomplish levels of competency. It’s not about creating a whole new program, but rather about enhancing and building on the core strengths of our existing program.”

The Committee formulated a strategic plan in February 2005 that will guide its work over the next three years. This plan includes mechanisms for registrant consultation and involvement in the development of the program, as well as a communications plan to keep dentists, CDAs and educators informed of the Committee’s progress.





### College employee profile

Janet Khong

Janet Khong started working at the College of Dental Surgeons in 1998. After spending a year and a half in the Referral Department and as the Registrar's assistant, she assumed her current position of Meeting Coordinator.

Janet makes preparations for all meetings of Council, the Executive Committee and the elected officers, as well as the College's Annual General Meeting. Her great organizational skills are continually put to the test as

she investigates and books venues for meetings and workshops, makes travel arrangements, books accommodations, prepares agendas, distributes meeting packages, records meeting minutes and keeps Council updated on all essential communications. Janet is known for doing all of these in a timely fashion, and Council members appreciate the well-planned meetings and the effort that Janet puts into them.

In addition, Janet is the staff person for the Appointments Committee and the Election and Awards Committee; the latter involves planning the College's Awards Night. She also coordinates the College election process and updates the website.

Home life for Janet can be very hectic at times. She and her husband Thomas have two preschoolers – Jeffrey, age five, and Gregory, four – who ensure an active lifestyle. Luckily, Janet's mother

assists in caring for the children while Janet and Thomas are at work. Janet can often be found accompanying the boys to soccer or to their favourite attractions: Science World and Vancouver Aquarium.

*Janet makes preparations for all meetings of Council, the Executive Committee and the elected officers, as well as the College's Annual General Meeting.*

When Janet does find time to relax, she enjoys reading. She hopes to one day have more spare time to resume her interests in hiking and cycling.

As much as Janet loves her family and home life, she admits she enjoys her work immensely and looks forward to many years at the College.

## IN BRIEF:

### It's All in a Name

In addition to identifying yourself in the marketplace for dental services, your practice name can be a valuable asset and business tool.

To avoid conflicts with existing practices, and to ensure trade names are consistent with requirements in Article 15 of the Rules under the *Dentists Act*, dental offices doing business under a trade name (other than the dentist's personal name) must obtain clearance from the College prior to using the name. Application should be made in writing to the College Registrar, and typically takes approximately seven to 10 working days to process from the time of receipt. The College advises dentists using a trade name to also use his or her personal name in carrying out the practice of dentistry. For instance,

an invoice should state that it is Dr. Julia Jones doing business as Lonetree Dental Clinic.

Where a dentist has an approved incorporated dental practice, it is important to show that the corporation is carrying on the practice of dentistry (i.e. Dr. Julia Jones Inc. doing business as Lonetree Dental Clinic). Signage or other forms of advertising, when using a trade name, should also show that the corporation is carrying on the practice of dentistry.

Contact the College for a copy of the *Guidelines for Promotional Activity* or view them on our website at [www.cdsbc.org/regonly\\_guidelines.asp](http://www.cdsbc.org/regonly_guidelines.asp).



### Duplicate Prescription Pads

The College of Physicians and Surgeons' Controlled Prescription Program (CPP) allows only one duplicate prescription pad at a time to be distributed to a dentist, unless the dentist has a valid reason for needing more than one. For instance, an exception would be an oral surgeon who requires a prescription pad at the hospital as well as at their practice.

The College of Dental Surgeons requests that any dentist requiring more than one pad send a letter to our College stating the reason. A copy of this letter will be forwarded to the College of Physicians and Surgeons, who will process the requisition.



## Not the Same Old, Same Old

### Committee Work Provides New Perspective on College



Dr. Rand Barker

Until recently, Dr. Rand Barker had been busy establishing his dental practice and did not have a close relationship with

the College of Dental Surgeons, other than asking for advice regarding patient management issues.

“Every so often, I would go to a meeting and see this clique of people discussing what was right or wrong, and thought it was a political and dysfunctional family.” That is until outgoing College President Dan Stoneman asked him to join the Appointments Committee, and Rand got an inside look at how the College functions.

The role of the Appointments Committee is to review the representation on committees and recommend new members to ensure a balance of views. Depending upon the size and scope, various committees include specialists, CDAs, “seasoned” dentists and those who are relatively “new” with five to 10 years of experience – long enough to have a good understanding of the profession but still have a fresh perspective.

“It wasn’t the old boys club I had perceived it to be,” says Rand. “The people involved are very interested in the state of the industry and the quality of the profession rather than having their dogma or things done their way. I’ve been impressed with committee members and believe they are doing their very best for dentistry. It is individuals who make up ‘The College.’”

Members of the public are also recruited to serve on committees as a means of ensuring the public’s point of view is included in College decision-making. Any registrant can recommend a potential

public committee member from their community for consideration by the Appointments Committee.

As part of doing its best for dentistry, the College strives to be relevant to all its registrants by involving a wide range of people on its committees and by being a resource to help registrants maintain the high standards of their profession.

“We need to involve newer graduates who relate to what dental students are being taught and understand the learning styles and thought processes; otherwise, the College can’t relate,” says Rand.

Rand also says that to protect the public and maintain dentistry’s high standards, the College does not just “play the policeman” or “punish when things go wrong” but has taken a preventative approach by embracing the recommendations of the Regulatory Review Task Force. And, he says, “If things do go wrong, the emphasis is on remediation and education - showing what went wrong, why it was wrong and how to avoid it happening again.”

From Rand’s perspective, the College has done a good job of preserving the high standards of the profession and establishing processes to ensure all registrants will be treated fairly.

Now, the bigger challenge is getting the word out. The more that registrants know about how the College functions, the more likely they will be to call the College for guidance and avail themselves of its resources.

Take Rand’s word on it ... or join a committee and see for yourself!

*The College is currently recruiting volunteers and encourages registrants to complete the Volunteer Form included with this issue of The Sentinel. You can also visit our website at [www.cdsbc.org/about\\_committees.asp](http://www.cdsbc.org/about_committees.asp) for more information about College committees.*

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